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6 Counsel for Petitioner Julio Abundis

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 United States of America,
11 Respondent-Plaintiff,
12 v.
13 Julio Abundis,
14 Petitioner-Defendant.
15

Case No. 2:18-cr-00158-MMD-VCF

**Joint Stipulation to Continue
Briefing Deadlines (Second
Request)**

16 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich,
17 United States Attorney, and Elizabeth O. White, Assistant United States
18 Attorney, counsel for the United States of America, and Rene L. Valladares,
19 Federal Public Defender, and Amy B. Cleary, Assistant Federal Public Defender,
20 counsel for Petitioner Julio Abundis, that the previously ordered deadline for
21 Petitioner's Reply in Support of his Motion to Vacate brought under 28 U.S.C. §
22 2255, be rescheduled.

23 The parties further stipulate and agree Mr. Abundis shall have to and
24 including **June 11, 2020**, within which to file the Petitioner's Reply in Support of
25 his Motion to Vacate.
26

1 This Stipulation is entered into for the following reasons:

2 1. At the government's request, counsel for Mr. Abundis stipulated to
3 extending the government's filing of its Response in this matter until
4 May 26, 2020. ECF No. 44. This stipulation also extended the due date for filing
5 Mr. Abundis' Reply until June 9, 2020. ECF No. 44.

6 2. This Court granted the parties' stipulation. ECF No. 45.

7 3. Anticipating Mr. Abundis's Reply would be due on June 9, 2020, his
8 counsel scheduled accordingly.

9 4. On May 21, 2020, the government filed its Response. ECF No. 46.

10 5. When the government filed its Response, it triggered a change to
11 Mr. Abundis' Reply due date from June 9, 2020, to May 28, 2020, on CM/ECF.
12 See ECF No. 46 (noting "Replies due by 5/28/2020").

13 6. Mr. Abundis's lead counsel has oral argument scheduled before the
14 Ninth Circuit Court of Appeals on May 29, 2020, in *United States v. Bundy*,
15 Ninth Circuit Case No. 18-10287, requiring extensive preparation. Mr. Abundis's
16 counsel thus requires additional time to adequately prepare the Reply supporting
17 the pending Motion to Vacate.

18 8. The parties agree to the continuance of the Reply deadline set forth
19 herein.

20 ///

21 ///

9. This is the second stipulation to continue the briefing schedule.

Dated: May 22, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

By: /s/ Amy B. Cleary

By: /s/ Elizabeth O. White

AMY B. CLEARY
Assistant Federal Public Defender

ELIZABETH O. WHITE
Assistant United States Attorney

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2 DISTRICT OF NEVADA

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Case No. 2:18-cr-00158-MMD-VCF
(Proposed)
Findings of Fact and Order

9 **FINDINGS OF FACT**

10
11 Based on the pending Stipulation of counsel, and good cause appearing
12 therefore, the Court finds that:

13 1. Counsel for the Petitioner needs additional time to adequately
14 prepare his Reply in support of his pending Motion to Vacate brought under 28
15 U.S.C. § 2255.

16 2. The parties agree to the continuance of the Reply brief deadline set
17 forth herein.

18 3. This is the second stipulation to continue the supplemental briefing
19 deadlines.

20
21 IT IS THEREFORE ORDERED Petitioner's Reply in support of his Motion
22 to Vacate (ECF No. 42) is due on or before June 11, 2020.

23
24 DATED this 26th day of May 2020.



25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE